**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :23162 of 2007**

**DATED:02-11-2007**

**BETWEEN:**

Smt.U.Surya Chandra Rao.

**..... PETITIONER**

**AND**

The District Collector,
Machilipatnam,
Krishna District & 2 others.

**.....RESPONDENTS**

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**ORDER:**

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in not granting stay of dispossession pending disposal of the appeal, as illegal, arbitrary, and consequently direct the respondents not to initiate any action to dispossess the petitioner from the land admeasuring Ac.5.00 forming part of R.S.No.19/2 and 19/3 of Polukonda village, Nandivada mandal, Krishna District, pending disposal of the Appeal No.1097 of 2007.

3. It is the case of the petitioner that he purchased an extent of Ac.5.00 cents in Sy.No.19/2 and 19/3 of Polukonda village, Nandivada mandal, Krishna District vide registered sale deed, dated 09-04-1986, from one Boddu Bhavana Rushi and Boddu Radhakrishna Murthy. While so, the 3rd respondent-Tahsildar, Nandivada mandal, after issuing a notice under the provisions of the A.P.Assigned Land
(Prohibition of Transfers) Act, 1977 ( for brevity, 'the Act') and the rules made thereunder passed order in Rc.B.95/07, dated 23-07-2007, resuming the said land of Ac.5.00 in Sy.No.19/2 and 19/3, Polukonda village, Nandivada mandal on the ground that the said lands are the assigned lands and the same are assigned in contravention of the provisions of sub-Section 2 of Section 3 of the Act. Aggrieved by the said order, dated 23-07-2007, petitioner filed

an appeal before the 2nd respondent-Revenue Divisional Officer, Gudivada, and the said appeal was numbered as Rc.D.No.1097/07, and he also filed stay application on 22-10-2007, and pending disposal of the appeal 3rd respondent has been taking steps to dispossess the petitioner.

4. Having regard to the facts and circumstances of the case and as the appeal is pending against the said order of the 3rd respondent, 2nd respondent is directed to consider and dispose of the appeal in Rc.D.No.1097/07 filed against the order of the 3rd respondent in Rc.B/95/07, dated 23-07-2007, in accordance with law and pending disposal of the appeal petitioner shall not be dispossessed.

5. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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**V.ESWARAIAH,J**

02nd November, 2007.

**Note:**

Issue operative portion of the order
by wire at party's costs.

B/o

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